

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**No. 5:08-CR-325-D  
No. 5:10-CV-304-D  
No. 5:16-CV-196-D**

LARRY BRUCE GREGORY,  
Petitioner,  
v.  
UNITED STATES OF AMERICA,  
Respondent.

## ORDER

The court GRANTS Larry Bruce Gregory's ("Gregory") motion to withdraw [D.E. 64] his motion to vacate at [D.E. 60], and GRANTS his second motion to vacate his sentence [D.E. 65]. After the United States Probation Office prepares a new Presentence Investigation Report ("PSR"), the court will hold a new sentencing hearing and resentence Gregory. The court notifies the parties that it is considering an upward departure under U.S.S.G. § 4A1.3. See Fed. R. Crim. P. 32(h); U.S.S.G. § 4A1.3(a)(1).

**SO ORDERED.** This **20** day of October 2016.

JAMES C. DEVER III  
Chief United States District Judge